

Regular Town Council Meeting December 6, 2010

Consumption on Premises (COP) Policy Interpretation

Terry Stewart: We have put together a motion, and I'd like to read that motion now: Motion to determine that the Land Development code is the more appropriate place to identify more specific permissible uses. Then direct staff to prepare a Land Development Code Amendment or Amendments, to identify COP in the Environmentally Critical Zoning District as a permitted ancillary use to an adjacent approved COP use. Thank you.

Councilmember Mandel: I'd like to move the motion.

Councilmember List: I'd like to Second it.

Mayor Kiker: Okay, we have a motion and a second. I think it's important that we take public input, and I know that Rochelle Kay is here, as representative of the LPA. If I could ask you to.....

Rochelle Kay. The first concern I had when I saw the blue sheet to begin with is that the requested motion is to, in order to complete the LPA process from our point of view was complete. When we passed 2009-24, in the review process we .....finding....inconsistent with the Town's comprehensive plan. ...etc. As far as we're concerned we don't understand why the action is needed at all because the LPA review process is completed from the LPA's point of view.

Mayor Kiker: So you have some specific questions that you'd like answered. *(discussion regarding the LPA meeting when resolution 2009-24 was adopted).*

*Terry Stewart responded to questions regarding continuing use, and whether the COP use is under the purview of the council and Ms. Kay stated she did not understand why this was necessary as the LPA process is complete.*

Attorney Miller: The LPA review process is only a portion of it. In the land use codes it says, and I'm reading from page 5, 8. C . Legislative Interpretations. Town Council. Upon receiving the recommendations of the Local Planning Agency, the Town council shall render a final decision as to the correct interpretation to be applied. So that is what is before them today. The LPA made its interpretation, but the town council, according to your land use regulations, is the final authority, so they make that decision. So that's the answer to the one question.

(Terry Stewart, discussed the council not accepting the LPAs recommendation, and formalizing its stance on that particular item, not by-passing the LPA , but actually following through on the procedure and process that is set forth in the code)

Rochelle Kay: Does this come back to the LPA again, or is this the final...

Attorney Miller: Well, let me address that, because now, if the council were to decide to direct staff to come up with land use regulations, those would go back to the LPA for review and a recommendation to council before council adopts them. There are many ways it could be handled; as a special exception, I mean you could have a provision where if it's going to be a special exception use, the LPA could be the final authority, or where the LPA would merely be recommending and the final would go back to council for a final decision on whether to grant a special exception to any particular business. So today we would get direction on how council wants it handled.

Rochelle Kay: ... OK. Thank you for that, and I'll leave it up to council for, whatever.

*(Mayor Kiker called further public comment: Carleton Ryffel, and Chris Schaab)*

Mayor Kiker: We're going to close public comment. Ms. Miller, was there anything you wanted to discuss on this issue?

Attorney Miller: Well, does the council all understand the difference between a special exception use and a permitted use? If something is a special exception use, it gives you the ability to control conditions, that a use may not be appropriate ..side by side, one place it may be appropriate, and one place it may not, but if it had conditions on it as to hours of operation, buffering, and things of that type. If you have it as 'one size fits all' and try to do it as a permitted use, it may not work as well as a special exception use where you can look at the individual facts of that case and determine, that, in order to permit it, it should have the following conditions and a special exception allows you to do that.

Mayor Kiker: would that mean that, would you agree with Carleton in terms of whether it should be a special exception or the permitted ancill...

Attorney Miller: Well, it's really a policy decision for the council. Now currently, outside of the EC zoning district, if you want COP with your business, the only time I believe it's a special exception is if, for example, you're within 500 feet of a religious facility, or school or day care. Otherwise, it's a permitted use. Now I know, from dealing with private clients elsewhere, in fact, I have an issue right now with Lee County – it's more restrictive than a lot of instances and it's a special exception use regardless of whether it's within 500 feet . But it's a policy decision on how restrictive council wants to be.

Council member Babcock: Can I request a point of order? What you are bringing up is legitimate. If you want to talk about all these details, we'll be here until 5:00 talking about it. The direction I heard from town council is that we want it to be top down, and not bottom up. And I agree with that. And I think that this is the issue that the LPA brought to us today I think that's some of the issue I heard at other public comment. This motion is not right, and the reason it's not right is because it isn't addressing the primary policy issue that needs to be decided first. That was the recommendation of staff. This motion does not do that. The first question that should be asked, is, in fact, the response that we got from the LPA. The original intent of our comp plan said that we would not expand alcohol sales to the beach. And that's how our land development code is translated. The comp plan is the policy setting direction. That's the top down. The bottom up is the land development code that says how we are going to do

that. Our current code says no expansion of alcohol on the beach. The LPA came to us with an interpretation of the comp plan that said the same thing. It seems to me the response that town council has to make today to the LPA is do we support, or not support, the expansion of alcohol to the beach. Either answer drives the need to go forward with an assessment of changes for the land development code. You've offered six things that we've never talked about before as potential options. They may not be all the options. I can think of a couple others. To force us to make a decision – which I don't think is a policy decision – I think it's an implementation decision that goes through a very rigorous process with hearings in the LPA and comes back with hearings with the town council and will be months away, when in fact it could be a different council sitting here than there is now it would be wrong for us to imply what the right decision is when in fact what we're really being asked to do is say are we willing to change the way the comp plan has been interpreted in the past to say we will consider extending alcohol sales to the beach. I think that, this motion to me is absolutely wrong. I can't support it not because, I certainly don't, I certainly agree with the fact that the right place to make these decisions is in the land development code, which is what this motion says, but I don't agree with jumping to the answer until you've had the hearings with all legal considerations put in there, to have staff look into every potential option, and to get public comment in a hearing process that's testimony. I am very uncomfortable with where this is taking us, and I believe that's what the LPA is saying to us today. They asked a simple question: Does this council still support the previous direction of previous councils to not extend alcohol use and sale to the beach. And that's what we ought to be discussing today.

Mayor Kiker: Okay. And I'm not sure how to treat that as a point of order. I think that what we got was an argument against the motion, and so, having said that, I guess we're going to continue to allow others to comment on the motion, in all fairness to the rest of the folks. Did you have anything you wanted to say, Mr. Stewart, or do you want us to continue, here?

Terry Stewart: I'll hold any comments.

Mayor Kiker: Ms. List?

Council Member List: Maybe I misunderstood the motion. I thought the motion was to determine that the land development code is the more appropriate place to identify more specific permissible uses.

Council Member Babcock: That's a no-brainer. That's already given....

Council Member List: Is that not the motion?

Mayor Kiker: Excuse me...

Council Member Babcock: It's a silly motion because you're stating a fact.

Council Member List: Okay, well hold on one second. From where I'm sitting, what happened was the LPA told the council what the policy is, and this is the policy... this is the interpretation that the LPA gave us, without us ever having any input or discussion about what the policy may or may not be. So I, my understanding is that this is a remedy for the LPA's establishing policy. Because that is how personally,

just personally, I was impacted by the LPA's recommendation , that they'd taken it upon themselves to decide that that would be the policy direction before, like the cart before the horse . So to me, this motion sets that back to right and as far as directing staff, Tom, you made a very good point about that but I didn't think that that aspect was part of the motion. So I'm just commenting on what I thought I was seconding was the motion to determine that the land development code is the more appropriate place to identify more specific permissible uses. It is, except that isn't what happened.

Mayor Kiker: Okay, hang on a second...we'll be here forever. So, I want to be real specific with you, here, Tom, so we don't make any mistakes, but you had a point of order, and I want to address that in terms of this motion, without whether you agree with the motion or not. What is the point of order? What is the process issue that you're objecting to?

Council Member Babcock: The process is that we're acting as if this is a land use legislative hearing, and it's not.

Mayor Kiker: Alright.

Council Member Babcock: We're being asked to make decisions to changes in the land development code, recommendations we're making, I think they go well beyond a policy. This is making an implementation decision.

Mayor Kiker: I understand the point of order, and I'm going to ask Ms. Miller if she'd comment on it.

Attorney Miller: Let me go back to the wording of the LPA's resolution of a year ago, said: Now therefore be it resolved that the LPA recommends that the town council of the Town of Fort Myers Beach does restrict further expansion of on-premises consumption of alcoholic beverages on the gulf beaches within the Town of Fort Myers Beach. I think that what's intended to say, is, that that's the interpretation – you don't need to go any further – the land use plan prohibits (you or use). So, my recollection was, I don't know whether it was the last meeting, or the meeting before, the town council actually voted to reject that interpretation.

Council Member Babcock: We discussed it in a work session. We never voted. That was what today was supposed to be for – we never voted.

Terry Stewart: There was not a vote. There was a consensus of opinion among the Council to direct staff to take a particular action, which we have done.

Attorney Miller: So actually, if you would be more comfortable with it, you could have initially a vote that you reject the interpretation by the LPA and don't interpret the land use plan as prohibiting in all instances, COP on the beach, but then, I think what staff was trying to say, here, was, don't amend the land use plan, to specify that it is a permitted use. That isn't typically where you would do that. You would have provisions in your land development code that would give the parameters for when the COP would be permitted in the EC zoning district.

Council Member Babcock: I don't want to put words in your mouth, but I think what you meant was Comp Plan, not Land Use Plan.

Attorney Miller: No, no, I meant Land...the Comp Plan is the policy vehicle. The specifics of how that policy is implemented is the land development code. So, if you're going to interpret the land use plan as not prohibiting consumption on premises in the EC zoning district, then I think staff's recommendation is, don't amend the land use plan, it is – I don't want to say vague – that it is general enough to interpret it that way, but the specifics of how you go about regulating that as a use would be land development code regulations and staff would need direction on that on how council wants it treated.

Mayor Kiker: Okay, so what I'd like to do is, if I may, so, what you're saying is, that we missed a step, and that is, whether we accept or reject the LPA. So, is that correct, and would that satisfy you?

Council Member Babcock: Yes, it would...

Mayor Kiker: Okay, so what are we ...I'm going to ask the motion maker if he would remove his motion...

Council Member Mandel: As motion maker, then let the motion begin by saying that the council rejects LPA recommendation to council

Attorney Miller: And we also, according to the land use plan, have to put that in a res... we have to do a resolution, so we'd do that by resolution.

Mayor Kiker: We reject the LPAs interpretation and that COP is a permissible use in the recreation future land use category. Is that the correct motion?

Attorney Miller Actually, it's more that it's not prohibited by the land use plan.

Mayor Kiker: Okay, so it's reject the interpretation and interpret that it is permissible – COP is permissible.

Attorney Miller: Yeah, but not permissible in the sense that, not a special exception, not...

Mayor Kiker: Just trying to get the motion so that we can get the first step done, so that we can go to the second step, so, if that's not it...

Attorney Miller: I think that the motion would be that there is nothing in the land use plan that prohibits COP in the EC zoning district.

Mayor Kiker: Is that your motion?

Council Member Mandel: Sure.

Walter Fluegel: It's the EC Zoning District Recreation Land Use.

Mayor Kiker: Okay, so is that your motion?

Council Member Mandel: Yeah.

Council Member List: What is your motion?

Council Member Mandel: Basically, it's in the short form, is to reject....

Attorney Miller: Reject the LPA's interpretation that it's prohibited in the recreation land use .

Council Member List: okay, second..

Mayor Kiker: Okay, we have a motion and a second. Any comments, questions,...

Council Member Babcock: I'd just like a clarification ... Walter, you used interchangeably the words EC Zone , environmentally critical, recreational zoning, data data dah, ...are they identical?

Walter Fluegel: They may not be in all instances, there may be some areas where you have recreation land use and you may have some other zoning, but, along the beach they are co-terminous.

Council Member Babcock: Then, I want to make sure what the motion actually states: was the intent of the LPA, which, they made reference only to expanding alcohol on the beach and so, I would like to see that translated to any place in the EC zone, not in the recreational land use.

Attorney Miller: Well, they're two different things: recreational land use is the land use category, that's the underlying thing. EC is a zoning district, it's not in the Comp Plan..

Council Member Babcock: I understand – what I'm saying is, that, what the LPA said, was, expansion to the beach and what I think the intention there, was, not the recreation land use category, but, the EC zone. And I say that, because, the current interpretation of the comp plan as translated in the land development code is very specific about what uses are allowed in that area, and it does not include alcohol.

Mayor Kiker: Okay, we need to figure something out here, 'cause we've spent 30 minutes trying to put a motion together and we've gotta cut it out...

Attorney Miller: Well, there's confusion between land use, and zoning, which is a common thing.

Mayor Kiker: Okay . So – what is the correct verbiage for the motion? Please.

Attorney Miller: The beach is recreation land use, correct?

Walter Fluegel: I would honestly just leave it at reject the LPA's interpretation...

Terry Stewart: Let's answer the question. And the question was, is the beach within a recreation land use ..

Walter Fluegel: Yes it is.

Terry Stewart : Okay. Therefore, the EC is another derivative off of the recreational land use..

Walter Fluegel: It is the zoning category.

Terry Stewart: Thank you.

Mayor Kiker: Okay. Would someone please help with the motion.

Attorney Miller: Maybe if we do the motion the way the LPA..

Mayor Kiker: I actually read that to you..

Attorney Miller: So it would be to reject the LPA's recommendation that on-premises consumption of alcoholic beverages on the gulf beaches within the Town of Fort Myers Beach is restricted. Reject that.

Council Member Mandel. Correct.

Mayor Kiker: Do you have a problem with that motion?

Council Member Babcock: No. I think that's the right motion.

Council Member Mandel: I made it..

Mayor Kiker: Would you like to change your motion to do that? Is there a second to that...?

Council Member List: and I change my second to that...

Mayor Kiker: Alright, good. Is there any other comments?

Council Member Babcock: Well yes, I mean, now that we have the right motion on the table, I have to say that I won't support it, because in my opinion, the interpretation of the comp plan has always been, and clearly is today, and is reinforced by the LPA, to not expand alcohol sales to the EC zone or the beach.

Mayor Kiker: Okay. Is there any other comments?

Vice Mayor Raymond: Yes...Let's take a vote.

Mayor Kiker: We have to do this one, first, so, if there's not other comments, questions, concerns, I'm going to call to order .. all those in favor? Aye.... Opposed?

Council Member Babcock: Nay

Mayor Kiker: Motion carries, 4-1.

Council Member List: Mr. Mayor? I'd like to make a motion that we, I'm not sure of the exact, correct word, that we, I would like to move this off into the ozone for awhile the discussion about whether it's going to be ancillary or special exception.. That discussion I would like to move to put that forward into the future. Even if it's a work session, I don't care, but I'd like to not have that discussion right now.

Council member Mandel: I think I still have a motion... I'd like to put back on the table the motion as suggested by Mr. Stewart and if there is any one thing I would tweak to it, for clarification, where some of you have gone, is that, it would not include the environmentally sensitive parts of the beach. Or would that be done by staff later?

Terry Stewart: if you do that, then you can't serve on the beach. Environmentally critical areas, that's the beach. The whole beach is an environmentally critical area.

Council Member Mandel: As opposed to the parts that the State's running ...

Terry Stewart: That's correct. It's all environmentally critical.

Council Member Mandel. Leave the motion the way it is; we'll take care of it..

Mayor Kiker: Let me interject something here if I can.

Council Member Babcock: Was that a motion by Jo?

Mayor Kiker: yeah... Let me interject, here, that whether or not the process is being followed properly, is it correct that we make a motion like this, or should we , as Ms. List said, go in to a different process depending on where this lands. Is that kind of the decision we're making here?

Terry Stewart: Yes. It is clear to me, that if this Council has a policy as it appeared to be clear to me at the last work shop meeting, that if you have a policy that you are headed in, then you need to direct staff to craft language that would accomplish that. Because what we present to the LPA will be driven based on that policy decision. The LPA can take the work that staff has done, make any comments or recommendations on that that they choose to do so, but I do not want to invest or waste my staff's time, in putting together something that this council does not feel that it is going to be able to accomplish at the end of the day, and while I respect the concern of what a future council might do, I can't be driven by what a future council might do. I have to be directed by what council, today, is going to do.

Mayor Kiker: Kind of what I'm hearing here, is, if we were to instruct staff to go down this motion, that rather than going straight from staff to the LPA, I'm almost hearing that we would like to review it, first before it goes to the LPA, and make sure that we're all on the same page because I'm telling you, that every time I have this conversation with someone, it changes. It changes in interpretation, it changes the results, so I'm, I 'm looking for a happy medium, it's like what you were doing, that if this motion carries, we'd ask that it be brought back to the council, either in a work session or a meeting before it goes to the LPA, and I can tell by, that you're biting your lip and bleeding to death that you didn't like that, so go ahead.

Terry Stewart: It's not a matter of not liking it, Mr. Mayor, it's a matter of what we're trying to accomplish, and that is simply this: Council will make a general policy directive to staff. Staff would



craft that – put it together. If the Council, at that time, felt that staff had not in general, accomplished what it wanted to do then you can certainly call for a meeting to bring it back. But to put that step automatically in there, I think is...

Mayor Kiker: And how would we know – how would we identify that that step needs to happen?

Terry Stewart: Because staff would provide you with the drafts of what we would be recommending to the LPA, and in the end, at the end of the process, you have the right to make judgments and decisions about what you want to see there to begin with.

Mayor Kiker: Is everybody OK with that process?

Council Member Babcock. No. No, I'm not. And that's because you're trying to embellish a process that already exists. We made a policy decision today. That policy decision was, that a majority of this town council believes that you can interpret the comp plan to allow alcohol to be sold on the beach. I think we're trying to jump in to the implementation and quite frankly, I take exception that we have to have another meeting to hash this out before it goes to the LPA. We have a process that's very clear. That is, you use, when you're going to make a change in the land development code, which is what we just agreed to consider, that it goes through a hearing process and it starts with the LPA. I think, Walter, you've made a great list of potential opportunities. It's not complete, I think there are other things that could be considered by anybody, and I'm assuming that when you start rehashing all the COP rules you're not just going to deal with issues on the beach, because I know that when it went to the LPA there were discussion about what 's the impact on noise, what's the impact on hours? So there's many decisions, as you go back and review the land development code changes now with the policy direction that needs to be considered. And I'm all about being concerned about taking up staff and legal time, as well, but it seems to me the first step is to collect all the potential options and changes that you could make to the land development code, and then have the discussion because quite honestly, I want to hear the legal opinions for each one of these opportunities, I want to hear the staff's input on each one of these, and most of all, I want to hear public comment. I mean, that's how we do things in a hearing process. So why don't we use the hearing process? I mean I honestly think to spend the next town council meeting or in a joint with the LPA, we're going to hassle with the same subjects and not be able to make a decision . I want to put all the issues on the table and take a vote. Win or lose.

Mayor Kiker: Ms. List.

Council Member List: And the reason I was asking to push this to another discussion is that it sounds to me like we don't have, well, maybe I'm wrong, but it sounds like we don't have full consensus as to whether it should be , what it should be, you know, special exception, permitted ancillary use, specific primary COP, I mean I'm not sure that we can ask the staff to prepare something until we know what we want them to compare. And that's why I was asking if we could possibly throw that discussion on an agenda for another meeting rather than this one.

Mayor Kiker. Gotcha. One more, we're done. Yes sir.

Council Member Mandel. I was on the LPA when this happened, and, there was no direction from council. We spent a lot of time, we spent a lot of money with consultants and attorneys and then, in the end, here, in this first motion we did this morning, we undid it and basically wasted all that time and town money because there was no direction from council. I feel more comfortable supporting the motion that was suggested by staff, and letting staff and the attorney draft something that's going to be reviewed by the LPA and ultimately council at least there is a direction, and the LPA is not going to be surprised to find out what the Council's opinion is. So, I would certainly like to put the motion back on the table and let staff and the town attorney and the LPA work on this.

Mayor Kiker: If I understand correctly, we have a motion on the table; do we have a second? Yes or no, did you remove your second?

Council Member List: Well,

Mayor Kiker: Do we have a second or not? Yes or No?

Council Member List: I can't...

Mayor Kiker: Would anyone else like to second that? And let's put on the record that Ms. List removed her second.

Vice Mayor Raymond: Can you roll back what your motion is?

Council Member Mandel: My motion is to accept the motion as presented by Mr. Stewart.

Mayor Kiker: this one? The one that's written? (on the blue sheet 2010-152)

Vice Mayor Raymond: I don't have a problem with it.

Mayor Kiker: Do you want to second it, or not? Okay, we have a second. Now. Is there any other comments, questions, or concerns?

Council Member Babcock: yeah. My comment is, that I somehow thought the original motion was removed, because we voted on another motion in between. It wasn't a secondary motion at all.

Mayor Kiker: Okay, you know what? Before...Time out. We get silly with all of this, and I'm not going to let it happen. Okay? I'm just going to start over and take it from the beginning. We've removed all the motions. We had a motion to reject, and we did, we voted, and it's done. Okay. We now had another motion that came from Mr. Mandel that you removed your second on, and it was the original motion. I am asking if anyone wants to second it- yes or no.

Vice Mayor Raymond. Second

Mayor Kiker: Okay. We have a second by the Vice Mayor. Now. In terms of process, does anyone want to make any comments, questions or concerns at this point in time?

Council Member List: By voting in favor of this, this would create the opportunity – the process of discussion of this subject, correct? This is going to officially open discussion of this subject? You know, in the correct process?

Mayor Kiker: Mr. Stewart

Walter Fluegel: I believe this gives staff fair direction in a policy we can take and go back and work with this approach.

Council Member List: And so, then, it's not a done deal – we're going in the correct process.

Attorney Miller: The way I read this is that it would be a permitted ancillary use to an adjacent approved COP use. So basically, it would be treating these the same way that the adjacent COP use is treated, i.e., if it is within 500 feet of a school or whatever it's a special exception.

Mayor Kiker: So, it does, in essence tailor itself after the exception process.

Attorney Miller: As Walter said, it does give us enough to craft.

Mayor Kiker: Any other comments or questions? Vice Mayor, do you have any comments or questions?

Vice Mayor Raymond: We say we want more folks to come in? this is an advertised meeting on COP. I don't see a ton of people waiting out there, so I think we've had our comment.

Mayor Kiker: Alright, and, Mr. Babcock.

Council Member Babcock: Advertising it on the door at town hall isn't adequate and that's what a hearing is for. A hearing actually gets advertised in the paper...

Mayor Kiker: Okay, do you have any comments on the motion?

Council Member Babcock: Yes, I have a comment, or question, actually. You're getting what I think is inaccurate direction by this motion so I can't support it. I just want to know, you've got a good list of options to discuss – there may be more by the quote policy direction that is being provided by council today so does that mean that all the rest of them disappear or are we going to talk about every one of them?

Walter Fluegel: Well, this just gives us an overall policy approach..

Terry Stewart: Time out. Excuse me. I think we ought to answer the question that's been asked. Based upon the motion that was made, we have a specific thing that we're directed to do and that is to prepare a recommended set of changes to the land development code, tailored around that specific ancillary use issue. Now, if the LPA, in its wisdom, believes that other things need to be discussed, they can do that.

Council Member Babcock: And the LPA gets their direction from staff, so that's why I'm asking . This is a great list for the LPA and others to discuss. I'm asking will all of these be considered?

Terry Stewart: I can't tell you that, because I don't know what the LPA's going to do. I know what staff is going to do; staff is going to do exactly what the town council instructs us to do. And I'm not trying to be argumentative, I just think this whole discussion is a bit unusual in that either staff gets directed by council to do a specific thing, and we're going to go do it and the LPA can undertake whatever discussion it chooses. I don't quite understand why we're having this discussion.

Council Member Babcock: I am being argumentative. And the reason why is because we're not providing policy direction anymore. We're providing implementation direction and that's beyond what we were asked to do. And that's why I want to see every potential option discussed by the LPA on a subject that's been so important to everybody, and for us to say how it should be implemented in my mind is wrong and so you can all make your own minds, but I can tell you I cannot support this motion.

Terry Stewart: Mr. Mayor may I ...

Mayor Kiker: You know what, I'm gonna, cuz I have not made a – had any discussion, but I'm going to. Actually, I couldn't disagree with you more, because I think every option ever possible was discussed for the last year and we paid \$14,000.00 for this huge document and it absolutely took us nowhere. And so, the whole point of this is, let's be a little bit more specific, let's focus – there's no one here that says if a better idea comes along we don't explore it together and go through this thing. But to sit there and discuss and put out every possible variable one more time we might as well all sit and read that \$14,000.00 document together and it's crazy. So, I thought the whole idea was to prevent that, be specific, have some focus, enter in to a process, it has allowed some public comment, it will allow more public comment with the LPA and it will allow comment with this board again, so, there's lots of public comment, I'm not worried about us not getting any, and so I think that looking at every variable up front is crazy. Might as well just forget the whole thing and not do it, or any other subject for that matter, so, I'm in favor of this thing, to move it forward, so, let's go. That's me. So, is there any other comment by council?

Council Member Babcock: Yeah, I want to vehemently agree. Yeah, we are going to have an opportunity to look at all of these. You show me one place – any minutes – anything that's ever discussed the six options that showed up on this blue sheet today, and the answer is no. So for us to provide a direction and tell me that we've discussed this in detail is not right.

Mayor Kiker: Okay. Is there any other comments, questions, or concerns? Okay we have a motion on the table and I'm going to call to order all those in favor? (ayes) Nay?

Council Member Babcock: Nay

Mayor Kiker: Motion carries 4-1.



Michelle Mayher

Town Clerk